

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE WESTERN DISTRICT OF PENNSYLVANIA
4

5 BILLY R. WILLIAMS,)
6 Plaintiff,)
7 vs.) Civil Action
8 PENNSYLVANIA STATE) No. 03-239 E
9 POLICE, an Agency of)
the Commonwealth of)
Pennsylvania,)
10 Defendant.)

11 -----
12 BILLY R. WILLIAMS,)
13 Plaintiff,)
14 vs.) Civil Action
15 PENNSYLVANIA STATE) No. 03-130 E
TROOPERS ASSOCIATION,)
16 Defendant.)

17 -----
18 DEPOSITION OF BILLY R. WILLIAMS
19 -----

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25

Exh. 1

1 B. Williams - by Mr. Bradley
2 the New Castle station.

3 Q. How about at the Mercer station?

4 A. At the Mercer station, I had a very
5 rocky relationship with Major Seilhamer because
6 of the actions he took towards me. The
7 relationship between him and I seemed to change
8 once I got to Mercer.

9 Q. This would have been while he was
10 still a captain and still your immediate
11 supervisor?

12 A. Correct.

13 Q. Can you pinpoint the genesis of that
14 disruption in your relationship?

15 A. For an unknown reason to me,
16 starting in 1993, he started taking some of
17 what I have described as discrimination actions
18 against me while at Mercer station.

19 Q. Discriminatory in what manner?

20 A. He started punishing me for no
21 reason. For no reason at all, he transferred
22 me, the same as he and Captain Simon did in
23 2000. He transferred me on some trumped-up
24 charges. It's my opinion that he was behind
25 the trumped-up charges. At least he knew the

1 B. Williams - by Mr. Bradley
2 charges against me or the complaints against me
3 were trumped-up and had no basis. He gave
4 credence to them.

5 Q. Would this have been the transfer in
6 2000 you're speaking of?

7 A. No. I'm talking about the transfer
8 in 1994. Captain Seilhamer transferred me to
9 Butler in 1994 for three months allegedly to be
10 the acting crime lieutenant since the crime
11 lieutenant was going away for three months to
12 the FBI academy.

13 Q. Let me get this straight. In 1994
14 you were temporarily transferred to Butler?

15 A. Correct.

16 Q. You were the crime lieutenant?

17 A. That's right. In name only because
18 he stripped me of the duties of a crime
19 lieutenant. He gave the duties to a white
20 sergeant in the state police, and he gave me
21 the duty of correcting reports. All the duties
22 of the lieutenant went to the sergeant, so I
23 was just there correcting reports.

24 Q. That was in 1994?

25 A. Correct.

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2 Q. You indicate that that was an
3 involuntary transfer?

4 A. Correct. I filed a grievance.

5 Q. You were eventually returned to your
6 position as station commander in Mercer after
7 that?

8 A. Yes, I was.

9 Q. That was when?

10 A. 1994.

11 Q. Your return was based on the return
12 of the crime lieutenant to that station?

13 A. That and the fact I filed a
14 grievance. It had been told to me that the
15 intention of the transfer was that I was to
16 remain in Butler. I was convinced that had I
17 not filed a grievance, I was going to remain
18 transferred to Butler because the crime
19 lieutenant made it well known that he wanted
20 Mercer station.

21 Q. Did you prevail on that grievance?

22 A. Yes. Partially I did and partially
23 I didn't. I filed two grievances. I filed a
24 grievance for the transfer. Then the fact that
25 once I was there, he stripped me of the duties

1 B. Williams - by Mr. Bradley

2 you have already told us. Is there anything
3 more to it other than what you already told him
4 about the white sergeant?

5 THE WITNESS: Let me think for
6 a second.

7 A. Captain Seilhamer routinely punished
8 me for false complaints lodged against me that
9 he knew were false. They were lodged against
10 me by members --

11 MR. SANDERS: Do you know that
12 you're talking now about the 1994 situation
13 he's asking you about?

14 THE WITNESS: Correct.

15 A. 1994, 1995, 1996, he routinely
16 punished me for alleged complaints from members
17 of the Mercer station and the FOP out of
18 Butler. He knew they were false. He condoned
19 the false complaints. In fact, he encouraged
20 the false complaints against me.

21 When I complained to him about
22 members destroying my office, these same
23 members were making derogatory comments about
24 me, calling me slappy behind my back, writing
25 pictures of me in the dictionary. One that my

1 B. Williams - by Mr. Bradley
2 attorney recently gave you today is one
3 example, but there were like three or four
4 occasions where they -- in the dictionary on
5 some of the pages like the negro page, there is
6 a diagram of my picture. On the afro page in
7 the edition of the dictionary, they drew a
8 picture and put glasses and freckles on it and
9 said B.R. Williams.

10 I had my tires slashed. I had my
11 tires flattened with nails at Mercer station.
12 I had my office chair totally dismantled. I
13 had black ink put on my door, on my office
14 door. I had black ink put on my locker at
15 Mercer station. It goes on and on and on. At
16 no time did Captain Simon (sic) see fit to put
17 a stop to it. In fact, his actions encouraged
18 that behavior.

19 Q. You indicated that Captain Simon
20 (sic) never did anything about the --

21 A. I mean Captain Seilhamer.

22 Q. Did you mean Seilhamer?

23 A. Yes.

24 MR. SANDERS: Then captain,
25 now major.

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2 MR. BRADLEY: Correct.

3 Q. Again, you described this series of
4 events that occurred, and what you feel was
5 Captain Seilhamer's role in these events. I
6 again want to focus on your characterization as
7 discriminatory. Maybe I can ask it this way.

8 I'm assuming when you say it was
9 discriminatory, you're saying that it was done
10 because you're African-American? Is that
11 correct?

12 A. That's correct. Actions were done
13 against me that were not done towards any other
14 white commander in the troop.

15 Q. Other than the fact that they were
16 done against you as an African-American, do you
17 have any evidence that they were motivated by
18 your race and not -- if you can separate this
19 out in your mind, it was done because of your
20 race and not because of who you are?

21 MR. SANDERS: Other than what
22 he has already told you?

23 Q. Other than what you have already
24 told me. I understand that you've described
25 the series of events.

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2 MR. SANDERS: And the picture
3 in the dictionary that he gave you.

4 MR. BRADLEY: And the picture
5 and some of the other things. I think some of
6 these things came up in Captain Conley's
7 deposition.

8 BY MR. BRADLEY:

9 Q. What I'm asking you is do you have
10 any evidence or direct knowledge that this was
11 done not because of Billy Williams but because
12 Billy Williams was black, if you understand
13 that question?

14 A. All his adverse actions against me
15 were done to me, strictly in my opinion,
16 because of my race.

17 Q. Okay.

18 A. He denied me overtime.

19 Q. Again, we're talking about
20 Captain Seilhamer at this point?

21 A. Correct. Then Captain Seilhamer,
22 now he's a major.

23 Q. Right.

24 A. All his actions clearly were done to
25 me because of race. I was giving the same

1 B. Williams - by Mr. Bradley

2 orders as the white commanders in the troop,
3 and he punished me and not them. Clearly it
4 was because of my race. His actions against me
5 were because of my race.

6 Q. As I understand it and since you
7 haven't provided me with any other indications
8 from Captain Seilhamer other than his actions,
9 it's your position that the discriminatory
10 nature of his acts are clearly present in the
11 acts themselves?

12 A. He condoned the acts. He encouraged
13 the acts.

14 Q. Now we're talking about two separate
15 things. When you talk about encouraging and
16 condoning the acts, now you're talking about
17 things that other people did. Is that correct?

18 A. I'm talking about things they did
19 with his permission and condoning. He allowed
20 it to happen. He had the power to put a stop
21 to it, and he did not. He refused.

22 MR. SANDERS: What Scott is
23 asking you, Lieutenant, is other than what
24 you're telling him, I guess, do you have any
25 other information to share with Scott going

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2 back to the 1994 period of time where you
3 believe Seilhamer did anything directly himself
4 that you witnessed that you feel was racially
5 motivated?

6 A. Not that I can think of right now.
7 I'm sure there are other things. I can't think
8 of them right now.

9 Q. Just to clarify what I'm trying to
10 say, it's your position that just based on the
11 actions Captain Seilhamer directed towards you
12 and because he didn't direct these same actions
13 towards white commanders, that that is the
14 basis for your claim of discrimination based on
15 race?

16 A. That's part of it.

17 Q. With respect to Captain Seilhamer,
18 what other part is there?

19 MR. SANDERS: Just focus now
20 on the 1994 period. 1994, 1995 and 1996 period
21 Scott is asking you about.

22 A. Like I said, he transferred me. He
23 would not allow me to run Mercer station
24 without direct influence from him. He punished
25 me for false complaints again me.

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2 He had initiated a policy of what he
3 called a "Butler run." It was a little
4 punishment that he started up. If anything
5 happened at your station that he didn't like,
6 he would make you drive down to Butler as a
7 form of humiliation. Then he would openly brag
8 about it to the troop. He did that on a
9 regular basis in my case.

10 Q. Did he do that to other troopers or
11 officers in Troop D?

12 A. I don't know.

13 Q. I guess maybe as the final question
14 in this area, did Captain Seilhamer -- again at
15 this period, 1994, and in that time frame --
16 did he ever directly indicate that his actions
17 were based on race? Did he ever say it? Did
18 he ever put it in writing?

19 Did he ever imply it in something he
20 said to somebody else that you overheard or
21 came back to you through a third party? Do you
22 understand the question?

23 A. I don't know if he actually ever put
24 it in writing or actually said it to anybody.
25 Look at his actions. I filed a grievance.

1 B. Williams - by Mr. Bradley

2 A. EEOC.

3 Q. How many?

4 A. One. I filed one in 1995 against
5 Captain Seilhamer and the state police.

6 Q. That was against the state police?

7 A. Captain Seilhamer and the state
8 police, correct.

9 Q. Did you specifically name
10 Captain Seilhamer at that time?

11 A. Yes, him and the state police are
12 certainly named in the complaint.

13 Q. That was in 1995?

14 A. Correct.

15 Q. Did that address some of the matters
16 we have already talked about this morning that
17 you indicated occurred at the Mercer station in
18 1994?

19 A. 1994, 1995, yes.

20 Q. Would that also have included the
21 transfer to Butler as the crime section
22 lieutenant?

23 A. Yes.

24 Q. Now, I was a little confused in your
25 answer. Was the EEOC filing in 1995 the only

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2 one prior to Exhibit No. 1, or have there been
3 others?

4 MR. SANDERS: Did you
5 understand the question, Lieutenant? Other
6 than this in 1991, and other than the one you
7 just told Scott and Bryan about in 1995, Scott
8 is asking were there any others?

9 THE WITNESS: No.

10 Q. Do you recall what happened to your
11 EEOC complaint in 1995?

12 A. After about a year-and-a-half of
13 complaints, they advised me that they did not
14 find enough evidence to hold my complaint. I
15 forget how they worded it. They gave me a
16 right to sue letter. I decided not to pursue
17 it at that time.

18 Q. Do you recall what year the right to
19 sue letter was issued?

20 A. I believe it was in 1996.

21 Q. As far as you can recall, you
22 filed -- and I'm going to use them as a group,
23 EEOC and PHRC -- you filed the EEOC and PHRC
24 complaint in 1995, and you filed one in 2001
25 with respect to the state police?

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2 the state police, under their policies, what
3 are you supposed to do?

4 A. Under their policies, I have the
5 right to take it up with my supervisor, which
6 has been one of the persons that perpetrated
7 against me. Also, his supervisor is the main
8 person, so basically, I had no options; or I
9 could try to discuss the matter with the
10 department EEOC officer.

11 Q. Did you ever discuss the problem
12 with the EEOC officer?

13 A. Yes. It was a very frustrating
14 waste of time.

15 Q. Who was that?

16 A. She did nothing.

17 Q. Who was that individual?

18 A. Lieutenant Marcy Robinson.

19 Q. Marcy Robinson?

20 A. Correct. She has since given up
21 that position. She gave it up this year. She
22 decided and I heard she was telling people that
23 it was just a figure-head job. She had no
24 authority, so she transferred out.

25 Q. When did you talk with her?

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2 MR. SANDERS: What year?

3 A. 2003.

4 Q. At any time prior to 2003, did you
5 speak with her?

6 A. Not with her, but her previous EEOC
7 officer, Major Virginia Smith, I spoke to her
8 in 1994, 1997, and informally in 2001.

9 Q. You indicated that there were
10 three years that you spoke to Virginia Smith.
11 Would that have been on one occasion in each
12 year?

13 A. I don't recall. That sounds about
14 right. I don't recall. It could have been
15 more than once. In 1995 I think was more than
16 one occasion. In 1995 I think it was three or
17 four occasions.

18 Q. Do you recall speaking to her in
19 1998?

20 A. I don't recall to be specific. I
21 spoke with her quite a few times formally and
22 informally. When I was down in Harrisburg, I
23 might run into her. We would talk, and she
24 would ask me how things were going. I would
25 tell her about the discriminatory things and so

1 B. Williams - by Mr. Sanders

2 A. Absolutely, yes.

3 Q. Now, it was your contention, am I
4 correct, that this is all racially motivated by
5 Mr. Seilhamer?

6 A. Yes. He's the main perpetrator.

7 Q. You had racial issues filed against
8 him, if I understand you correctly, in the
9 early 1990s?

10 A. Correct.

11 Q. What was your reasoning for not
12 filing a lawsuit then when they gave you the
13 right to sue letter?

14 When the EEOC gave you the right to
15 sue letter -- you may have answered this, but I
16 just want to pursue this a little bit more --
17 why didn't you file in that 90-day right to sue
18 period they gave you?

19 A. Well, I had not spoken to a civil
20 rights attorney. Because of the time frame, I
21 really thought that maybe the attitude would
22 change and things would get better.

23 Q. Let me ask you this. I assume it's
24 your position they did not get better?

25 A. No, they did not. They got worse.

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2 Q. Is it your testimony in this case
3 that Mr. Seilhamer was aware of your race case
4 in 1994?

5 A. Absolutely.

6 Q. How do you know that then
7 Captain Seilhamer and now Major Seilhamer was
8 aware of your filing a EEOC/PHRC charge in the
9 1994, 1995 and 1996 period of time?

10 A. The complaint went to the state
11 police, and it was against him.

12 Q. Did you ever sense a difference in
13 the way he treated you from the time prior to
14 the filing of the 1994 Complaint alleging race
15 and the treatment you got after the expiration
16 of your right to go to court expired?

17 A. Well initially, he acted like he was
18 more friendly. I was aware that he had made a
19 few statements around the troop that he did not
20 believe -- if he wanted to punish me or someone
21 else, that he would not come at me directly, he
22 would go through somebody else.

23 Q. Did you know that Mr. Conley felt
24 the way he did about Mr. Seilhamer being a
25 racist before you filed your charges in the